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10/762,820	01/22/2004	Truyen Huynh	555255012691	6113

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EXAMINER

D AGOSTA, STEPHEN M

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/762,820	Applicant(s) HUYNH, TRUYEN	
	Examiner Stephen M. D'Agosta	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 4-5 and 9-10 is/are rejected.
 7) ☒ Claim(s) 6-8 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1 and 4-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-5 rejected under 35 U.S.C. 103(a) as being unpatentable over Wong and further in view of Crispin RFC 2060 IMAP v4rev1, 1996.

As per **claim 1**, Wong teaches an adaptive polling method for updating data between at least one data server and a mobile communication device (Abstract), the improvement comprising,

retrieving current pre-emptive criteria from said at least one data server (figure 7 shows the system checking if the file-to-be-updated has changed recently);

comparing said current pre-emptive criteria to previously stored pre-emptive criteria (figure 6 shows Check Interval, Last Checked, Last Save Time Stamp), and

in the event said current pre-emptive criteria do not equal said previously stored pre-emptive criteria then updating said data between said data server and mobile communication device, and otherwise pre-empting said updating of said data between said data server and mobile communication device (figure 7 shows if a file has been updated since the user last received it, then an update is sent, otherwise no update is sent and the Time Stamp is updated. Also see C6, L5-50 which teaches updating a data item on a mobile unit when the file server data item has changed),

but is silent on wherein said data server is a mail server AND said preemptive criteria comprise at least one of number of messages in said mailbox and size of said mailbox.

Wong does teach using email messaging (C5, L35-40).

Crispin teaches email systems and defines using parameters such as “recently arrived” message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong’s synchronization scheme for email systems as well, or for database updates, etc.. Lastly, the primary examiner notes that the well-known **Microsoft Outlook** software has for years provided Synchronization operations:

With Outlook running on a PC, click on “Synchronization”, then select either “All Folders” or “Offline Folder Settings”.

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that said data server is a mail server with a mailbox for storing e-mails identified by respective message IDs, and said pre-emptive criteria are selected from the group comprising number of messages in said mailbox, mailbox size, and most recent message ID, to provide means for tracking various functional parameters of the email system to understand how/when to update the user’s files.

As per **claims 3 and 5**, Wong teaches an adaptive polling method for updating data between a server and multiple mobiles, the improvement comprising (title, Abstract),

retrieving current pre-emptive criteria from said server (figure 7 shows the system checking if the file-to-be-updated has changed recently);

comparing said current pre-emptive criteria to previously stored pre-emptive criteria for respective ones of said multiple mobiles (figure 6 shows Check Interval, Last Checked, Last Save Time Stamp), and

in the event said current pre-emptive criteria does not equal said previously stored pre-emptive criteria then updating said data between said server and multiple mobiles, and otherwise pre-empting said updating of said data between said main

Art Unit: 2683

server and said multiple mobiles (figure 7 shows if a file has been updated since the user last received it, then an update is sent, otherwise no update is sent and the Time Stamp is updated. Also see C6, L5-50 which teaches updating a data item on a mobile unit when the file server data item has changed),

but is silent on the data being email, the server being a mail server and the mobiles being mailboxes.

The primary examiner notes that **Microsoft's** Outlook provides Synchronization operations:

With Outlook running on a PC, click on "Synchronization", then select either "All Folders" or "Offline Folder Settings".

Crispin teaches email systems and defines using parameters (ie. which would support synchronization operations) such as "recently arrived" message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong's synchronization scheme for email systems as well, or for database updates, etc..

With further regard to claim 5, Wong teaches a mobile device that communicates via RF to a base station (C3, L13-32 and C5, L62 to C7, L4 teaches Symantec's Mobile Update software which controls data communication over said wireless network between said mobile device and the remote file server) **but is silent on** Arranged to update emails between at least one mail server and one mobile device and a mobile mailbox of the mobile device, the polling device being capable of communicating with at least one of the mobile devices, updating emails between the mail server and a mobile's mailbox wherein said preemptive criteria comprise at least one of number of messages in and size of said mailbox. **Crispin** teaches email systems and defines using parameters (ie. which would support synchronization operations) such as "recently arrived" message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong's synchronization scheme for email systems as well, or for database updates, etc..

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that the data being email, the server being a mail server and the mobiles being mailboxes, to provide update/synchronization services for email systems.

As per **claim 4**, Wong teaches claim 3 **but is silent on** wherein said e-mails are identified by respective message IDs, and

~~said pre-emptive criteria are selected from the group comprising number of messages in respective ones of~~

~~said external said mailboxes, mailbox size of respective ones of said external said mailboxes, and most~~

~~recent message ID in respective ones of said external said mailboxes.~~

Crispin teaches email systems and defines using parameters (ie. which would support synchronization operations) such as “recently arrived” message (page 9, top), number of messages in a mailbox (page 8, section 2.3.1.2) and Mailbox size (page 15, section 5.2). Hence, one skilled can use Wong’s synchronization scheme for email systems as well, or for database updates, etc..

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that said e-mails are identified by respective message IDs, and said pre-emptive criteria are selected from the group comprising number of messages in respective ones of said external said mailboxes, mailbox size of respective ones of said external said mailboxes, and most recent message ID in respective ones of said external said mailboxes, to provide means for tracking various functional parameters of the email system to understand how/when to update the user’s files.

Claims 9-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Wong/Crispin and further in view of Shaw et al. US 6,282,565.

As per **claims 9-10**, Wong teaches claim 1/5 and a server(s) that can support email messages (C5, L35-40) **but is silent on** wherein said at least one mail server is a POP mail server.

The examiner takes Official Notice that POP mail servers are well known in the art and would be used as a generic mail server in the inventions described.

The examiner also puts forth Shaw who teaches:

"..The incoming email receiver 120 may receive email directly as illustrated in FIG. 1. In an alternate embodiment, the incoming email receiver 120 may fetch email from a Post Office Protocol (POP) email server. For an embodiment with an incoming email receiver 120 that fetches email from a POP server, a configurable parameter may determine how often the incoming email receiver 120 checks the POP server for new email messages. Typically, the incoming email receiver 120 is set to check for new email every one to five minutes.." (C3, L28-37).

It would have been obvious to one skilled in the art at the time of the invention to modify Wong, such that said email server is a POP mail server, to provide means for interfacing with well known industry standard email protocols.

Art Unit: 2683

Allowable Subject Matter

Claims 6-8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. These claims contain novel material not found in the prior art of record, either alone or in combination.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

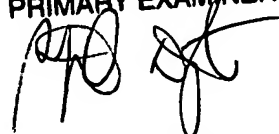
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 571-272-7862. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVE M. D'AGOSTA
PRIMARY EXAMINER



1-31-06